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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,197	03/27/2001	Naoya Hayamizu	04329.2558	9083
22852 7590 11/04/2003			EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER			MARKOFF, ALEXANDER	
LLP				•
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WASHINGTON, DC 20005			1746	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  Office Action Summary  Examiner  April. 1973  Aspect of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILUNG DATE Of THIS COMMUNICATION.  Leaders of time may be available useful representations and the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILUNG DATE OF THIS COMMUNICATION.  Leaders of time may be available useful representations and the state of the period of the communication of				Y			
## Defice Action Summary    Examiner   Ant Unit   Alexander Markoff   1746   1			Application No.	Applicant(s)			
Alexander Markoff   1746	Office Action Summary		09/817,197	HAYAMIZU, NAOYA			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations for mem by be available under the provisors of 3 CPR 1.136(a). In no event, however, may a reply be timely filled to the provisor of the pr			Examiner	Art Unit			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of from strip to evaluable audior the provisions of 37 CPR 1.15(g), in no event, however, may a reply be timely filed  Extensions of from the provision of the provisions of 37 CPR 1.15(g), in no event, however, may a reply be timely filed  Extensions of the entry is period above, the maximum statutory prior of will apply and will expire 38 X (b) MONTHS from the marriage date of this communication or reply as pecified above, the maximum statutory prior of will apply and will expire 38 X (b) MONTHS from the marriage date of this communication.  1) May period for reply as pecified above, the maximum statutory prior of will apply and will expire 38 X (b) MONTHS from the marriage date of this communication.  1) May period for reply as pecified above, the maximum statutory prior of will apply and will expire 38 X (b) MONTHS from the marriage date of this communication.  2a) This action is FINAL.  2b) Maximum for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-10.12, 20 and 24-42 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) docepted or b) objected to by the Examiner.  Application Papers  1 If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All by Some * c) None of:  1-10 Certified copies of the priority documents have been received.				<u> </u>			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extracions of the map be available under the provisions of 3°CPR 1.75(a). In no event, however, may a reply be timely field  Extracions of the map of the provision of the provision of 3°CPR 1.75(a). In no event, however, may a reply be timely field  If the period for reply specified above is less than thirty (30) days, a reply which the datubory minimum of thinty (20) days will be considered timely.  If No period for reply specified above is less than thirty (30) days, a reply which the datubory minimum of thirty (20) days will be considered timely.  If No period for reply specified above is less than thirty (30) days, a reply which the subdivision of the replication of the control of the provision of the replication of the control of the provision of the replication of the control of the replication of the control of the cont		• •	ears on the cover sheet with the c	orrespondence address			
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-10.12.20 and 24-42 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)  accepted or b)  objected to by the Examiner.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The proposed drawing correction filed on is/are: a)  accepted or b)  objected to by the Examiner.  ### Application may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a)  approved b)  disapproved by the Examiner.  ### fapproved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-10.12.20 and 24-42 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	1)🛛	Responsive to communication(s) filed on 30 S	eptember 2003 .				
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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/03 has been entered.

## Claim Rejections - 35 USC § 112

2. Claims 1-10, 12, 20, and 24-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicants amended the claims to recite decreasing the vibration of the thing to be washed. This is not supported by the original disclosure.

Claim 42 is further rejected because the applicants amended the claim to recite that the ultrasonic wave is turned on and off by a carrier wave. This is not supported by the original disclosure.

3. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim requires the ultrasonic wave being turned on and off by a carrier wave.

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It is not clear what is claimed. How can a wave be turned on and off by another wave?

This deficiency raises a question whether or not the claim is enabled by the disclosure.

## Response to Arguments

4. Applicant's arguments filed 8/29/03 have been fully considered but they are not persuasive.

The applicants argue that Puskas does not teach turning the ultrasonic on and off periodically. The applicants state that the reference teaches inserting the quiet times randomly.

This is not persuasive because in contrast to the applicant's statement Puskas teaches the periodical distribution of the quiet times. See at least column 6, lines 26-30.

The applicants argue that Puskas does not teach reducing the vibration of the object.

This is not persuasive. In contrast to the applicants statement Puskas teaches that application of different waves reduces the intense cavitation region. See at least column 13, lines 29-34. Since the intense of the cavitation is reduced the vibration would also be reduced.

The applicants argue that Puskas does not teach turning ultrasonic wave on and off repeatedly by a carrier wave.

It is not clear what is meant by the requirement. However, since the reference teaches periodical distribution of the quite times it is believed that the claimed limitation is disclosed by the reference.

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# Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-10, 12, 20, and 24-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Puskas (US 6,313,565).

Puskas teaches a method as claimed. See entire reference, especially Figures 6, 8b, 8c, and columns 4-7, 9, and 13-14.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 703-308-7545. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 703-308-4333.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703--308-0651.

Alexander Markoff Primary Examiner Art Unit 1746

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ALEXANDER MARKOFF PRIMARY EXAMINER